Department of State

TELEGRAM

Pol 14 Viet S
XR Pol 15-2 Viet S
1541

5

UNCLASSIFIED 208

PAGE 01 SAIGON 13187 171319Z

51
ACTION EA-14

INFO OCT-01 AID-20 CIAE-00 DODE-00 PM-06 H-02 INR-06 L-03
NSAE-00 NSC-10 P-03 RSC-01 PRS-01 SS-14 USIA-12 IO-11
UPW-01 RSR-01 /106 W

078886

R 171046Z AUG 71
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC 8799
INFO AMEMBASSY BANGKOK
CINCPAC
USDEL FRANCE
AMEMBASSY VIENTIANE
AMCONSUL DANANG
AMEMBASSY PHNOM PENH

UNCLAS SAIGON 13187

CINCPAC FOR POLAD

SUB: LOWER HOUSE CANDIDATE REINSTATED BY SUPREME COURT

REF: SAIGON 12278

1. THE SUPREME COURT AUGUST 16 ALLOWED INCUMBENT LOWER HOUSE DEPUTY TRUONG GIA KY SANH TO RUN FOR THE LOWER HOUSE, IN A DECISION THAT IN EFFECT REVERSED HIS PREVIOUS DISQUALIFICATION OF BOTH THE LOCAL ELECTION COUNCIL AND CENTRAL ELECTION COUNCIL (REFTEL). SANH HAD BEEN DISQUALIFIED BY THE LOCAL ELECTION COUNCIL FOR PRO-COMMUNIST ACTIVITIES UNDER ARTICLE 13/9 OF THE LOWER HOUSE ELECTION LAW, AND THIS DECISION HAD BEEN REAFFIRMED BY THE CENTRAL ELECTION COUNCIL.

(2) 2. SANH APPEALED ON THE BASIS THAT PROCEDURES LAID DOWN BY THE ELECTION LAW FOR CONSIDERING COMPLAINTS AGAINST CANDIDATES HAD NOT BEEN FOLLOWED IN HIS CASE, IN PARTICULAR THAT HE HAD NOT BEEN INFORMED OF THE EVIDENCE AND ALLOWED TO DEFEND HIMSELF (ARTICLE 20). SANH ALSO CLAIMED HIS EXCLUSION WITHOUT AN OPPORTUNITY TO DEFEND HIMSELF VIOLATED ARTICLE 7/8 OF THE

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY Jean Izzberg DATE 1/26/82
RDS☐or XDS☐EXT. DATE _____
TS AUTH. _____ REASON(S) _____
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED☐ RELEASABLE☑
RELEASE DENIED☐
PA or FOI EXEMPTIONS _____

R SAIGON 13187 171319Z

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 SAIGON 13187 171319Z

CONSTITUTION STATING PERSONS ACCUSED ARE CONSIDERED INNOCENT UNTIL PROVEN GUILTY. SANH ARGUED THAT THE DOSSIER HE HAD SUBMITTED IN SUPPORT OF HIS CANDIDACY INCLUDED THE REQUIRED POLICE RECORD, AND ALLEGED THAT THE CENTRAL ELECTION COUNCIL HAD ILLEGALLY BASED ITSELF UPON HIS POLICE INVESTIGATIVE RECORD TO EXCLUDE HIM. AFTER THREE HOURS OF DELIBERATION THE COURT FOUND IN FAVOR OF SANH.

3. COMMENT: SANH IS RATHER WELL KNOWN IN SOUTH VIETNAM AS A STAUNCH OPPOSITIONIST. PRIOR TO THE SUPREME COURT DECISION HE HAD BEEN THE ONLY INCUMBENT DEPUTY WHO REMAINED DISQUALIFIED WHEN THE DISQUALIFICATION PROCESS WAS COMPLETED.
BERGER

declassified

EXDIS EXDIS EXDIS EXDIS EXDIS

32

POL 14 VIET S
(1542)

Department of State **TELEGRAM**

SECRET 862

PAGE 01 SAIGON 13157 170952Z

18
ACTION SS-25

INFO OCT-01 SSO-00 NSCE-00 CCO-00 /026 W
077362

O 170840Z AUG 71
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC IMMEDIATE 8772

S E C R E T SAIGON 13157

EXDIS

DELIVER OPENING BUSINESS TO AMBASSADOR BUNKER AND
DEP ASST SEC SULLIVAN FROM BERGER

SUBJ: MINH AND THE ELECTIONS

FOLLOWING IS THE BEST PERSONAL ASSESSMENT I CAN MAKE FOR YOU
AT THIS JUNCTURE:

1. THE CHANCES OF MINH WITHDRAWING FROM THE RACE ON OR BEFORE AUGUST 24 AND MAKING PUBLIC THE DOCUMENTS IN HIS HANDS ARE VERY HIGH. HE WILL PROBABLY NOT MAKE HIS DECISION UNTIL THE LAST OR NEXT TO LAST DAY. HE IS BEING ADVISED TO THIS EFFECT TO AVOID THE REMOTE POSSIBILITY OF THIEU "DIRECTING" THE SUPREME COURT TO QUALIFY KY AFTER MINH HAS WITHDRAWN. I THINK IT HIGHLY UNLIKELY THAT THIEU WO[illegible] THIS, OR THAT THE SUPREME COURT WOULD COME UP WITH SUCH A P[illegible] SHOULD MINH WITHDRAW.

2. THE CHANCES OF THE SUPREME COURT QUALIFYING KY, REGAR[illegible] OF WHAT MINH DOES, ARE VERY REMOTE. THE CHIEF JUSTICE HA[illegible] US THAT IN THE SUIT BEFORE THEM, THE ISSUE WILL BE THE VA[illegible] THE ELECTION LAW IN THE LIGHT OF WHAT HAS HAPPENED, AND [illegible] ONLY FIND IT VALID, IN WHICH CASE KY'S CASE FALLS, OR INV[illegible] IN WHICH CASE THERE WILL HAVE TO BE A NEW ELECTION LAW AND A POSTPONEMENT OF THE ELECTION. THE CHANCES ARE HIGH THAT THEY WILL VALIDATE THE E[illegible]CTION LAW.

3. SHOULD MI[illegible]WITHDRAW, THE POSSIBLILITY OF THE PRESIDENT OF THE SENATE TAKING [illegible] THE GOVERNMENT AND HOLDING AN ELECTION IS CONSTITUTIONALLY [illegible]IBLE ONLY IF THIEU AND KY SHOULD BOTH RESIGN. KY

NOT TO BE REPRODUCED WITHOUT THE AUTHORIZATION OF THE EXECUTIVE SECRETARY

(1)

R
8-12-71
Saigon 13157